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BEFORE THE ILLINOIS COMMERCE COMMISSION
TRANSPORTATION REVIEW AND EXAMINATION

THE COUNTY OF KANE,)

Petitioner,)

vs.) Docket

) No. T14-0012

THE UNION PACIFIC RAILROAD)

COMPANY and THE BLACKBERRY)

TOWNSHIP ROAD DISTRICT,)

Respondents.)

PETITION AUTHORIZING THE INSTALLATION
OF WAYSIDE HORN SYSTEMS AT THE
LA FOX ROAD AND BRUNDIGE ROAD CROSSINGS

Before Mr. Timothy Duggan
Administrative Law Judge

Illinois Commerce Commission
Michael A. Bilandic Building
160 North LaSalle Street
Chicago, Illinois 60601

June 17, 2014
10:13 a.m. to 10:45 a.m.

Reported by: Sharon D. Roche
CSR, RMR

Notary Public, DuPage County, Illinois

A P P E A R A N C E S

MR. BRIAN VERCROYSSSE, Senior Rail Safety
Specialist, Illinois Commerce Commission;

MR. MACK H. SHUMATE, JR., on behalf of
Union Pacific Railroad Company;

MR. J. PATRICK JAEGER, on behalf of County of
Kane;

MR. RODNEY FEECE, on behalf of Blackberry
Township.

MR. ANDREW FRASZ, Kane County Board District
18;

MR. JOHN WALTER PAUL REDDEN, Hanson
Professional Services, Inc.;

MR. DAN CORCORAN, Manager, Signal Projects,
Union Pacific Railroad Company;

MS. CLAIRE ANDERSON;

MR. PAUL LA FLEUR; and

MR. ANDREW NICOL.

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I N D E X

TESTIMONY OF ANDREW FRASZ

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TESTIMONY OF JOHN WALTER PAUL REDDEN

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DOCKET NO. T14-0012**

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1 JUDGE DUGGAN: Pursuant to the
2 authority vested in me by the State of
3 Illinois and the Illinois Commerce Commission
4 Chicago I now call Docket T14-0012 to a
5 hearing. May we have appearances for the
6 record, starting with Mr. Jaeger, stating
7 your name, who you represent, your address
8 and phone number, please.

9 MR. JAEGER: Patrick Jaeger,
10 special assistant state's attorney
11 representing the County of Kane, P. O. Box
12 485, Geneva, Illinois. 60134. Phone number
13 630.514.9353.

14 JUDGE DUGGAN: Very good. And
15 Mr. Shumate?

16 MR. SHUMATE: Thank you, your
17 Honor. My name is Mack Shumate, M-a-c-k
18 S-h-u-m-a-t-e. I'm an attorney for the Union
19 Pacific Railroad Company. We have offices at
20 101 North Wacker Drive, Suite 1920, Chicago,
21 Illinois. 60606. Our phone number is area
22 code 312.777.2055.

23 JUDGE DUGGAN: Okay. And Mr.
24 Vercruysse?

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1 MR. VERCRUYSSSE: Thank you, your
2 Honor. Brian Vercruysse, V, as in Victor,
3 e-r-c-r-u-y-s-s-e, representing the
4 Commission's rail safety specialist staff.
5 Address is 527 East Capitol Avenue,
6 Springfield, Illinois. 62701. Phone number
7 312.636.7760. And, your Honor, we do have
8 Mr. Feece here from Blackberry Township also.

9 JUDGE DUGGAN: Very good. So let
10 the record show that Mr. Rodney Feece,
11 F-e-e-c-e, is here on behalf of Blackberry
12 Township road district, that he is not an
13 attorney. Are you the road commissioner, Mr.
14 Feece?

15 MR. FEECE: Yes, I am.

16 JUDGE DUGGAN: Okay. Blackberry
17 Township commissioner. And is it your
18 position that you have no objection to the
19 project as proposed and in conjunction with
20 the proposed agreed order that has been
21 reviewed here today?

22 MR. FEECE: Correct.

23 JUDGE DUGGAN: Okay. We're still
24 on the record. When we proceed we will refer

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1 to the document that we're going to refer to
2 as the proposed agreed order and stipulation
3 is the one that you're agreeing to.

4 All right. Mr. Jaeger, you have
5 Exhibits A through N you produced to the
6 Commission; is that correct?

7 MR. JAEGER: That's correct, your
8 Honor.

9 JUDGE DUGGAN: Okay. And do you
10 want to offer them into evidence if no one is
11 going to object?

12 MR. JAEGER: I would, your Honor,
13 at this point move Exhibits A through N into
14 evidence.

15 JUDGE DUGGAN: Okay. Let me note
16 that Exhibit I, is that a DVD?

17 MR. JAEGER: It's a DVD, your
18 Honor.

19 JUDGE DUGGAN: Okay. And that is
20 a video showing a wayside horn system, a
21 demonstration; is that correct?

22 MR. JAEGER: That's correct, your
23 Honor.

24 JUDGE DUGGAN: All right. Mr.

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1 Shumate, are you familiar with Exhibits A
2 through N?

3 MR. SHUMATE: Yes, I am, your
4 Honor, and Union Pacific has no objection to
5 admission into evidence.

6 JUDGE DUGGAN: Okay. And Mr.
7 Vercruysse, do you have any objection?

8 MR. VERCRUYSSSE: No objection
9 from staff, your Honor.

10 JUDGE DUGGAN: And Mr. Feece, any
11 objection?

12 MR. FEECE: No, sir.

13 JUDGE DUGGAN: Very good. Then
14 County of Kane, Petitioner's Exhibits A
15 through N are -- A through -- what was it
16 again? A through what?

17 MR. JAEGER: A through N.

18 JUDGE DUGGAN: A through N are
19 admitted into evidence. Okay.

20 Now, I'm going to mark as the County's
21 Exhibit 0 a document that was provided to me
22 this morning with a written caption of
23 proposed agreed order on this docket, and
24 we'll add to that proposed agreed order slash

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1 stipulation, and ask if you, Mr. Jaeger, Mr.
2 Shumate, Mr. Vercruysse and Mr. Feece all
3 have copies of that document in front of them
4 and have reviewed that document. Mr. Jaeger?

5 MR. JAEGER: Yes, I have.

6 JUDGE DUGGAN: Mr. Shumate?

7 MR. SHUMATE: Yes, sir.

8 JUDGE DUGGAN: Mr. Vercruysse?

9 MR. VERCruysse: Yes, your Honor.

10 JUDGE DUGGAN: And Mr. Feece?

11 MR. FEECE: Yes, I have.

12 JUDGE DUGGAN: Okay. And is that
13 something that you would like to offer with
14 minor modifications as discussed here this
15 morning as a stipulation, Mr. Jaeger, so that
16 the representations made therein will
17 supplement any other evidence taken by
18 testimony or exhibits here today?

19 MR. JAEGER: Yes, your Honor.
20 The County would stipulate to the proposed
21 agreed order that you've marked as Exhibit 0.

22 JUDGE DUGGAN: Okay. And the
23 stipulation would be to the facts stated
24 therein and to agreement to the findings and

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1 the ordering paragraphs stated therein. Is
2 that your stipulation?

3 MR. JAEGER: That's correct, your
4 Honor.

5 JUDGE DUGGAN: Mr. Shumate, same
6 question.

7 MR. SHUMATE: Yes, your Honor, we
8 concur.

9 JUDGE DUGGAN: And Mr.
10 Vercruysse?

11 MR. VERCRUYSSSE: Yes, your Honor,
12 staff so stipulates.

13 JUDGE DUGGAN: And Mr. Feece?

14 MR. FEECE: Yes, your Honor.

15 JUDGE DUGGAN: Very good. So I'm
16 going to go ahead and enter it as an exhibit
17 just so we have it properly as part of the
18 record here. So would you like to offer
19 Exhibit 0, Mr. Jaeger?

20 MR. JAEGER: Yes, your Honor. I
21 would like to move it as County Exhibit 0.

22 JUDGE DUGGAN: Any objection, Mr.
23 Shumate?

24 MR. SHUMATE: No objection.

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1 JUDGE DUGGAN: Mr. Vercruysse?

2 MR. VERCRUYSSSE: No objection,
3 your Honor.

4 JUDGE DUGGAN: Mr. Feece?

5 MR. FEECE: No objection.

6 JUDGE DUGGAN: Very good. Then
7 Exhibit 0 is admitted and stipulated as to
8 facts stated therein and the ordering
9 paragraphs stated therein.

10 Will all witnesses who are going to
11 testify raise your right hand.

12 {Witnesses thereupon duly
13 sworn.}

14 JUDGE DUGGAN: Very good. Thank
15 you. Then Mr. Jaeger, again bear in mind the
16 fact we have time limits here, who you want
17 to call as to how best to get your case in
18 bearing in mind the stipulation and Exhibit 0
19 here before us, you can proceed.

20 MR. JAEGER: Yes, your Honor.
21 The County would like to call Mr. Drew Frasz
22 as its first witness.

23 JUDGE DUGGAN: Very good.
24 Proceed.

**TESTIMONY OF ANDREW FRASZ
EXAMINATION BY MR. JAEGER**

11

1 ANDREW FRASZ

2 called as a witness by the Petitioner, having been
3 duly sworn, was examined and testified as follows:

4 EXAMINATION

5 BY MR. JAEGER:

6 **Q Mr. Frasz, would you please state**
7 **your name and spell it for the court**
8 **reporter.**

9 A Andrew Frasz, F-r-a-s-z.

10 **Q Where do you live?**

11 A I live at 1 N 545 Brundige,
12 B-r-u-n-d-i-g-e, Road, Elburn, E-l-b-u-r-n,
13 Illinois.

14 **Q And are you employed?**

15 A Yes.

16 **Q How are you employed?**

17 A I'm self-employed as a construction
18 contractor.

19 **Q Do you hold public office?**

20 A Yes.

21 **Q What public office do you hold?**

22 A I represent Kane County Board
23 District 18.

24 **Q I'm going to show you what's been**

**TESTIMONY OF ANDREW FRASZ
EXAMINATION BY MR. JAEGER**

12

1 **previously marked as County Exhibit C. Would**
2 **you please take a look at that.**

3 A Okay.

4 Q Do you know what that represents?

5 A Yes.

6 Q Do you know what the red lines in
7 **that exhibit represent?**

8 A Those represent Kane County
9 highways.

10 Q Do you know what the X's or the
11 **crossbuck in that exhibit represent?**

12 A Yes. Those are railroad crossings.

13 Q And the X or the crossbuck on the
14 **far left in that exhibit, what crossing does**
15 **that represent?**

16 A Route 47.

17 Q And the crossbuck or X on the far
18 **right, what does that represent?**

19 A Brundige Road.

20 Q And the X in the middle, what does
21 **that represent?**

22 A LaFox Road.

23 Q Have you had any contact regarding
24 **LaFox Road or Brundige Road with your**

**TESTIMONY OF ANDREW FRASZ
EXAMINATION BY MR. JAEGER**

13

1 **constituents?**

2 A Yes, quite a bit.

3 **Q And what is the nature of that**
4 **constituent contact?**

5 A Complaints about the railroad
6 engines honking their horns.

7 **Q Okay. I'm going to show you what**
8 **the County previously marked as Exhibit D.**
9 **Would you look at that, please.**

10 A Okay.

11 **Q Do you recognize it?**

12 A Yes, I do.

13 **Q And what is it?**

14 A Essentially a blow-up of the last
15 exhibit showing the county highways and the
16 crossings in question.

17 **Q And does that exhibit show the**
18 **crossings in relation to residential and**
19 **commercial development?**

20 A Yes, it does.

21 **Q Okay. Do you know who has**
22 **jurisdiction of Route 47?**

23 A The State of Illinois.

24 **Q Who has jurisdiction of LaFox Road?**

**TESTIMONY OF ANDREW FRASZ
EXAMINATION BY MR. JAEGER**

14

1 A Kane County.

2 **Q And who has jurisdiction of**
3 **Brundige Road?**

4 A Blackberry Township.

5 **Q Now, you indicated you received**
6 **some constituent complaints about LaFox and**
7 **Brundige Road. Exactly what was that**
8 **constituent contact about?**

9 A Just the honking of the train
10 horns, the increase in volume or the traffic,
11 especially with the commuter extension to
12 Elburn and the additional freight traffic.
13 Since UP purchased the Northwestern it's
14 become quite substantial.

15 **Q And how often do you receive those**
16 **complaints?**

17 A Probably about 20 to 25 a year.

18 **Q I'm going to show you what the**
19 **County has previously marked as Exhibit E.**
20 **Do you recognize that?**

21 A Yes.

22 **Q And what is that?**

23 A That is an aerial photo of the Mill
24 Creek Subdivision.

**TESTIMONY OF ANDREW FRASZ
EXAMINATION BY MR. JAEGER**

15

1 **Q And does that aerial photo show any**
2 **of the railroad crossings that we're here**
3 **discussing today?**

4 **A Yes. It shows the Brundige Road**
5 **crossing to the north.**

6 **Q And Brundige Road, is that sort of**
7 **the white line that is on the top quarter of**
8 **the page? It looks like it starts right**
9 **under the B or the R, Brundige Road.**

10 **A Yes.**

11 **Q And the Union Pacific Railroad, is**
12 **that indicated by the diagonal line that**
13 **intersects at Brundige Road?**

14 **A Yes.**

15 **Q And then to the south of the Union**
16 **Pacific tracks it looks like what appears to**
17 **be some sort of a subdivision?**

18 **A Yes. That's the Mill Creek**
19 **Subdivision. That's the largest**
20 **unincorporated subdivision in Kane County.**

21 **Q Is that where the majority of the**
22 **complaints are coming from regarding Brundige**
23 **Road?**

24 **A Yes.**

**TESTIMONY OF ANDREW FRASZ
EXAMINATION BY MR. JAEGER**

16

1 **Q I'm going to show you what the**
2 **County's previously marked as Exhibit F.**
3 **Would you please take a look at that.**

4 A Okay.

5 **Q Can you identify that?**

6 A Yes. This is the unincorporated
7 Village of LaFox.

8 **Q Do you receive any complaints**
9 **regarding the UP crossing and locomotive horn**
10 **noise from the residents of LaFox?**

11 A Yes.

12 **Q And how often and how many?**

13 A Probably about a lesser degree than
14 Mill Creek. Probably about four or five a
15 year.

16 **Q In your capacity as a county board**
17 **member did you do anything regarding these**
18 **complaints?**

19 A Yes. I became aware of the wayside
20 horn systems used in Elburn and DeKalb,
21 gathered data on them, and then I sought a
22 Senate appropriation from State Senator Chris
23 Lauzen, L-a-u-z-e-n, and we did receive a
24 Senate appropriation as mentioned earlier for

**TESTIMONY OF ANDREW FRASZ
EXAMINATION BY MR. JAEGER**

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1 \$250,000 to pursue this project.

2 **Q I'm going to show you what's been**
3 **previously marked by the County as Exhibit G.**
4 **It's got two pages. Would you take a look at**
5 **that, please.**

6 A Okay.

7 **Q Do you recognize that?**

8 A Yes.

9 **Q And what is it?**

10 A This is the railroad crossing at
11 Route 47 in the Town of Elburn that does have
12 the wayside horn system installed on it.

13 **Q And how long has that been in**
14 **place, the wayside horn at that location?**

15 A I believe about five years.

16 **Q And could you identify, either on**
17 **the first or second page of the exhibit, the**
18 **wayside horn facility fixtures?**

19 A Yeah. On Exhibit G it's the
20 structure on the far right, and there's a
21 square about halfway up the pole. That's the
22 directional speaker. And at the top of the
23 pole is the indicator light for the train
24 engineer.

**TESTIMONY OF ANDREW FRASZ
EXAMINATION BY MR. JAEGER**

18

1 **Q** You previously had indicated in
2 your testimony that the County applied for a
3 grant; is that correct?

4 A Well, it would be a Senate
5 appropriation would be the correct term.

6 **Q** And what was the amount of that
7 appropriation?

8 A \$250,000.

9 **Q** And the County did receive that?

10 A Yes.

11 **Q** And do you know when that
12 appropriation expires?

13 A September of this year.

14 **Q** And then what steps has the County
15 taken regarding wayside horns at LaFox and
16 Brundige Road?

17 A We have engaged an engineering firm
18 and they have undertaken to have discussions
19 with ICC and Union Pacific.

20 **Q** Who is the engineering firm?

21 A It's Hanson Engineering.

22 **Q** And then once constructed who will
23 maintain the wayside horn facility at LaFox
24 Road?

**TESTIMONY OF ANDREW FRASZ
EXAMINATION BY MR. SHUMATE**

19

1 A Kane County will maintain that one.

2 **Q And has the County reviewed the**
3 **standard Union Pacific wayside horn**
4 **agreement, real estate license agreement, and**
5 **flagging or railroad crossing requirements?**

6 A Yes.

7 **Q And reimbursement requirements?**

8 A Yes.

9 **Q And in conjunction with those**
10 **reviews what's the County's opinion?**

11 A We agreed to them.

12 MR. JAEGER: I have no further
13 questions of this witness.

14 JUDGE DUGGAN: How do you spell
15 Hanson?

16 MR. JAEGER: H-a-n-s-o-n.

17 JUDGE DUGGAN: All right. Do you
18 have any questions?

19 MR. SHUMATE: One quick question.

20 EXAMINATION

21 BY MR. SHUMATE:

22 **Q Both of the crossings that we're**
23 **talking about today are not quiet zone**
24 **crossings; is that correct?**

**TESTIMONY OF ANDREW FRASZ
EXAMINATION BY MR. SHUMATE**

20

1 A Yes.

2 Q So train horns would be prudent at
3 these crossings?

4 A Yes.

5 Q And that the wayside horn would
6 serve that purpose?

7 A Yes.

8 MR. SHUMATE: Thank you. No
9 further questions.

10 JUDGE DUGGAN: Okay. Let me ask
11 you this. So is there a provision -- maybe
12 Hanson can answer or maybe Brian. Is there a
13 provision that once these wayside horns are
14 installed that somebody give the UP
15 permission not to use the horns? Is that
16 correct, Brian?

17 MR. VERCRUYSSSE: Your Honor, it
18 is a one-for-one replacement; so yes, the
19 train horn will sleep and the automated horn
20 system or wayside horn system will take over.
21 It's written into the operating rules for the
22 railroad, and the only thing that would have
23 the train horn sound is if there's an
24 immediate emergency on the track, someone

**TESTIMONY OF ANDREW FRASZ
EXAMINATION BY MR. VERCRUYSSSE**

21

1 trespassing, or if there's workers in the
2 area.

3 JUDGE DUGGAN: Where is that
4 written you said?

5 MR. VERCRUYSSSE: That's within
6 the final rule itself, your Honor.

7 JUDGE DUGGAN: Okay. And that's
8 not your jurisdiction, that's a federal rule?

9 MR. VERCRUYSSSE: Correct.

10 JUDGE DUGGAN: Okay. All right.
11 Thank you. Any questions of this witness,
12 Mr. Vercruysse?

13 MR. VERCRUYSSSE: Just two, your
14 Honor.

15 EXAMINATION

16 BY MR. VERCRUYSSSE:

17 **Q Mr. Frasz, in terms of coordination**
18 **with the communities did you do a test horn**
19 **system at the location?**

20 A Yes. Actually on one of the two
21 locations in question one of the companies,
22 one of the vendors, provided a portable
23 system -- I believe this was in late February
24 of 2010 -- and we put up signs beforehand

**TESTIMONY OF ANDREW FRASZ
EXAMINATION BY MR. VERCRUYSSE**

22

1 announcing it at the crossing, and quite a
2 few people showed up; and we actually honked
3 the horn so they could hear it, we let them
4 go home, coordinated our watches and honked
5 it again so they could see what it sounded
6 like from their homes. It went over very
7 well.

8 We also did a similar test that same
9 day at Big Rock for a different crossing.

10 **Q So the test came back favorable to**
11 **your constituents?**

12 A We had no complaints and actually a
13 lot of compliments, so yes.

14 MR. VERCRUYSSE: Thank you very
15 much. No further questions, your Honor.

16 JUDGE DUGGAN: Okay. Do you want
17 to call your next witness, Mr. Jaeger?

18 MR. JAEGER: The County would
19 call John Redden.

20 JUDGE DUGGAN: Okay. Proceed.

21 JOHN WALTER PAUL REDDEN
22 called as a witness by the Petitioner, having been
23 duly sworn, was examined and testified as follows:

24 EXAMINATION

**TESTIMONY OF JOHN WALTER PAUL REDDEN
EXAMINATION BY MR. JAEGER**

23

1 BY MR. JAEGER:

2 Q Mr. Redden, please state and spell
3 your name.

4 A John Walter Paul Redden,
5 R-e-d-d-e-n.

6 Q And how are you employed, Mr.
7 Redden?

8 A I'm a senior railroad engineer at
9 Hanson Professional Services.

10 Q What's your highest level of
11 education?

12 A Master's in business
13 administration.

14 Q Do you have any other degrees or
15 qualifications?

16 A I have a bachelor of science in
17 civil engineering technology.

18 Q Are you currently engaged by the
19 County of Kane?

20 A No.

21 Q Okay. Have you been engaged by the
22 County of Kane?

23 A No.

24 Q Have you done work for the County

**TESTIMONY OF JOHN WALTER PAUL REDDEN
EXAMINATION BY MR. JAEGER**

24

1 on the wayside horn --

2 A Yes.

3 Q -- project for LaFox Road and for
4 Brundige Road?

5 A Yes.

6 Q Okay.

7 A In Kane County, right. I
8 misunderstood you.

9 Q I'm sorry. How long have you been
10 engaged with the County in this capacity?

11 A Approximately a year.

12 Q And that's been as an independent
13 consultant; correct?

14 A Correct.

15 Q And I'd like to show you what the
16 County has previously marked as County
17 Exhibit D. Could you take a look at that,
18 please. Do you recognize that?

19 A Yes.

20 Q And what is that?

21 A It's a plan or a map showing Kane
22 County and the Union Pacific rail line east
23 to west, and also shows the county road
24 system.

**TESTIMONY OF JOHN WALTER PAUL REDDEN
EXAMINATION BY MR. JAEGER**

25

1 **Q Does that exhibit show Illinois**
2 **Route 57 -- I'm sorry. 47?**

3 A Yes.

4 **Q And does it also show LaFox Road?**

5 A Yes.

6 **Q And does it also show Brundige**
7 **Road?**

8 A Yes.

9 **Q Now, do you have any previous**
10 **experience with wayside horn projects?**

11 A Yes.

12 **Q And what's your previous**
13 **experience?**

14 A We designed the wayside horn
15 systems in the quiet zone in DeKalb, which is
16 a combination of wayside horns and paired
17 one-way streets with closer gates, and we
18 designed the wayside horns at Elburn.

19 **Q When you say "designed the wayside**
20 **horns at Elburn," is that location**
21 **represented, the Elburn location represented**
22 **by the X or the crossbuck on the left side of**
23 **Exhibit D?**

24 A Yes. There were two grade

**TESTIMONY OF JOHN WALTER PAUL REDDEN
EXAMINATION BY MR. JAEGER**

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1 crossings in Elburn. The one you see here, I
2 presume that represents both crossings.

3 **Q Have you ever testified in front of**
4 **the Illinois Commerce Commission on wayside**
5 **horn matters?**

6 A Yes.

7 **Q How often have you done that?**

8 A I believe this is my third time.

9 **Q Okay. I'm going to show you what**
10 **the County has previously marked as Exhibit**
11 **G. Would you take a look at that, please.**
12 **Do you recognize that?**

13 A Yes.

14 **Q And what is that?**

15 A This is the State Route 47.

16 **Q How many pages are there?**

17 A Two pages.

18 **Q Okay. You said previously that you**
19 **were personally involved in the design of the**
20 **Elburn wayside horns?**

21 A Yes.

22 **Q And utilizing this exhibit can you**
23 **generally describe how the wayside horn**
24 **system works briefly?**

**TESTIMONY OF JOHN WALTER PAUL REDDEN
EXAMINATION BY MR. JAEGER**

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1 A The railroad grade crossing
2 activation system, when it is activated by
3 the presence of an oncoming train, that would
4 trigger the activation of the wayside horn.
5 The wayside horn then will sound its alarm
6 for vehicular traffic. The confirmation
7 signal will also activate for the locomotive
8 engineer.

9 As long as he sees that train
10 confirmation signal he is instructed not to
11 sound his horn; and if he does not see the
12 train horn confirmation signal, he is
13 instructed to sound his horn.

14 **Q On the first page of Exhibit G can**
15 **you point out the facilities that are part of**
16 **the wayside horn system?**

17 A Yes. At the top of the map you
18 have the locomotive engineer confirmation
19 signal.

20 **Q Let me interrupt you for a minute.**
21 **Can you turn the page on Exhibit G.**

22 JUDGE DUGGAN: Counsel, we need
23 to cut it down to about 10 minutes.

24 MR. JAEGER: Okay.

**TESTIMONY OF JOHN WALTER PAUL REDDEN
EXAMINATION BY MR. JAEGER**

28

1 JUDGE DUGGAN: They're coming in
2 here about a quarter till. Sorry about that.
3 BY MR. JAEGER:

4 Q Utilizing what is marked as Exhibit
5 G can you describe what it is you're pointing
6 at?

7 A This is the horn locomotive
8 engineer horn confirmation signal. As long
9 as the locomotive engineer sees that signal
10 activated he is instructed to desist from
11 sounding his locomotive horn.

12 The next down is the horn itself, which
13 is directed toward the vehicular traffic; and
14 lower here is the controller box.

15 Q Does the existence of a wayside
16 horn facility at a crossing such as this in
17 Elburn, does that preclude the locomotive
18 engineer from blowing its horn?

19 A Yes, it does, unless under
20 emergency conditions.

21 Q So in an emergency condition,
22 regardless of the existence of a wayside horn
23 system, the locomotive engineer can still
24 blow the locomotive's horn?

**TESTIMONY OF JOHN WALTER PAUL REDDEN
EXAMINATION BY MR. JAEGER**

29

1 A Correct.

2 **Q I want to show you what has been**
3 **previously marked as Exhibit H. Would you**
4 **please take a look at that.**

5 A Yes.

6 **Q And what is that?**

7 A This is the comparative train horn
8 footprint of the conventional locomotive
9 train horn versus the wayside horn.

10 **Q So, please, can you describe how**
11 **that applies or how that would apply to LaFox**
12 **Road and/or to Brundige Road?**

13 A Yes. With a conventional
14 locomotive horn the alarm is broadcast, as
15 you can see, down the line throughout the
16 entire community; whereas with a wayside horn
17 the alarm is focused right in the immediate
18 vicinity of the grade crossing and is
19 directed toward the vehicular public and
20 pedestrian traffic as well right in the
21 roadway.

22 **Q Thank you. Do you know the average**
23 **daily traffic count on Brundige Road?**

24 A I believe it's approximately --

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1 JUDGE DUGGAN: That's part of the
2 stipulated information, and so because they
3 may have actually be coming in here we're
4 going to have to go with what's been
5 stipulated.

6 MR. JAEGER: Okay.

7 BY MR. JAEGER:

8 Q All right. Mr. Redden, I would
9 like to show you what's been previously
10 marked as County Exhibit J. Would you please
11 take a look at that.

12 A Yes, sir.

13 Q And was is that?

14 A This is the plan of the existing
15 Brundige Road grade crossing.

16 Q I would like to show you County
17 Exhibit K. Would you identify that, please.

18 A Yes, sir.

19 Q What's that?

20 A This is a plan, an aerial plan of
21 the proposed improvements at the -- with the
22 wayside horn system shown on the drawing at
23 LaFox Road.

24 Q And I'd like to show you County

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1 **Exhibit A. Would you please take a look at**
2 **that.**

3 A This is the plan showing the
4 proposed wayside horn improvements on
5 Brundige Road.

6 **Q When you say "plan," you're**
7 **referring to the design plan?**

8 A Yes. Showing the proposed
9 improvements.

10 **Q Thank you. Does the Brundige Road**
11 **wayside horn design provide for an electric**
12 **horn for both north and southbound traffic on**
13 **Brundige?**

14 A Yes.

15 **Q Okay. I'd like to show you what's**
16 **been previously marked as County Exhibit B.**
17 **Do you recognize that?**

18 A Yes.

19 **Q And what is that?**

20 A It is the LaFox Road grade
21 crossing, and currently it does not show the
22 detail of the improvements at LaFox Road.

23 JUDGE DUGGAN: We are going to
24 have to stop. If we're not done, we've got

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1 to come back. What I would suggest is that
2 you eliminate everything that's not already
3 been done.

4 BY MR. JAEGER:

5 **Q Do you recognize L and M?**

6 A Yes.

7 **Q What are those?**

8 A It's the proposed LaFox Road
9 wayside horn improvement plan.

10 **Q That's the design?**

11 A Correct.

12 **Q Okay. Mr. Redden, does the LaFox**
13 **Road and the Brundige Road wayside horn**
14 **design provide for electric horns for both**
15 **north and southbound traffic on LaFox and**
16 **Brundige Road?**

17 A Yes.

18 **Q Does the LaFox Road and/or the**
19 **Brundige Road wayside horn system design**
20 **provide for confirmation signal lights to**
21 **notify locomotive engineers that the wayside**
22 **horn system is operating as intended in**
23 **sufficient time to enable the engineer to**
24 **sound the locomotive horn for at least 15**

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1 seconds prior to the arrival at the crossing?

2 A Yes.

3 Q Do you know -- I'm sorry. Does the
4 LaFox Road and Brundige Road wayside horn
5 systems provide a minimum sound level of 92
6 decibels and a maximum of 110 decibels when
7 measured 100 feet from the center line of the
8 nearest track?

9 A Yes.

10 Q Does the LaFox Road and the
11 Brundige Road wayside horn system sound at a
12 minimum of 15 seconds prior to the train's
13 arrival at the LaFox Road and the Brundige
14 Road crossing and while the lead locomotive
15 is traveling across the crossing?

16 A Yes.

17 Q Does the LaFox Road and Brundige
18 Road wayside horn system begin to sound
19 simultaneously with the activation of
20 flashing lights and the descent of the
21 crossing arm at both LaFox Road and Brundige
22 Road?

23 A Yes.

24 Q At the LaFox Road and Brundige Road

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1 wayside horn crossing is the horn directed
2 both north and south for approaching traffic
3 on either road?

4 A Yes.

5 Q How will the exact final location
6 of the LaFox Road and the Brundige Road
7 wayside horn be determined?

8 A Through diagnostic team meetings at
9 both locations, and also input of the Union
10 Pacific Railroad signal department.

11 Q Will the LaFox and Brundige Road
12 wayside horns operate in conjunction with
13 flashing lights and gates for any other
14 traffic control devices?

15 A Yes.

16 Q What alternatives are there in lieu
17 of the wayside horns at either LaFox or
18 Brundige?

19 A Well, other options were
20 considered, but they were not viable
21 alternatives.

22 JUDGE DUGGAN: Mr. Jaeger, let me
23 interrupt you one second. I want to get one
24 or two things on the record and then you can

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1 take as long as you want. Now, we need to
2 discuss waiving the ex-parte rules so that
3 Mr. Vercruysse and the rest can discuss among
4 themselves to get an order to expedite this.
5 So, Mr. Jaeger, do you waive the ex-parte
6 prohibition?

7 MR. JAEGER: Yes, your Honor.

8 JUDGE DUGGAN: Mr. Shumate?

9 MR. SHUMATE: Yes.

10 JUDGE DUGGAN: Mr. Vercruysse?

11 MR. VERCRUYSSSE: Yes, your Honor.

12 JUDGE DUGGAN: Mr. Feece?

13 MR. FEECE: Yes, your Honor.

14 JUDGE DUGGAN: Very good. Let me
15 ask Mr. Feece very quickly. Mr. Feece, you
16 were previously sworn in; is that correct?

17 MR. FEECE: Yes.

18 JUDGE DUGGAN: If you were called
19 here to testify and asked questions to elicit
20 the information stated as your testimony in
21 Exhibit 0, would you, in fact, testify as
22 stated and represented therein?

23 MR. FEECE: Yes, I would.

24 JUDGE DUGGAN: Very good. Mr.

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1 Jaeger, you're up.

2 BY MR. JAEGER:

3 **Q Mr. Redden, will the LaFox Road and**
4 **the Brundige Road wayside horn system be**
5 **installed on highway approaches to the LaFox**
6 **Road and Brundige Road crossings?**

7 A Yes.

8 **Q Regarding the -- does the LaFox**
9 **Road and Brundige Road wayside horn system as**
10 **proposed comply with the requirements of the**
11 **manual on uniform traffic control devices?**

12 A Yes.

13 **Q Especially in terms of clearance**
14 **and required roadside safety features?**

15 A Yes.

16 **Q Are the LaFox Road and Brundige**
17 **Road wayside horn system as designed each on**
18 **separate pole assemblies?**

19 A Yes.

20 **Q Is the LaFox Road and Brundige Road**
21 **wayside horn system designed to be installed**
22 **no closer than 15 feet from the center line**
23 **to the nearest railroad track?**

24 A Yes.

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1 **Q Is the LaFox Road and Brundige Road**
2 **wayside horn system as designed located in a**
3 **position to provide optimal results?**

4 A Yes.

5 **Q Is the LaFox Road and Brundige Road**
6 **wayside horn system located so as not to**
7 **obstruct motorists' line of sight to the**
8 **flashing light signals at the crossing?**

9 A Yes.

10 **Q Is the design of the LaFox Road and**
11 **Brundige Road wayside horn system completed**
12 **and ready for construction?**

13 A Yes, subject to further evaluation
14 and approval of the Union Pacific signal
15 department.

16 **Q Mr. Redden, are you familiar with**
17 **the requirements of 49 CFR Section 222**
18 **Appendix E?**

19 A Yes.

20 **Q Does the Brundige Road and LaFox**
21 **Road wayside horn system meet those**
22 **requirements?**

23 A Yes.

24 MR. JAEGER: I have no further

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1 Questions.

2 JUDGE DUGGAN: Mr. Shumate?

3 MR. SHUMATE: One quick question.

4 EXAMINATION

5 BY MR. SHUMATE:

6 **Q The systems that you talked about,**
7 **they are interactive with the road grade**
8 **crossing warning devices; is that correct?**

9 A Yes.

10 MR. SHUMATE: No further
11 questions.

12 JUDGE DUGGAN: Mr. Vercruysse?

13 MR. VERCruysse: No questions,
14 your Honor.

15 MR. DUGGAN: Okay. And the
16 specifics of what he testified to, Mr.
17 Jaeger, are they incorporated in this order,
18 because I would like more detail if not in
19 the order.

20 MR. JAEGER: Those specifics
21 aren't incorporated in the order, your Honor.
22 They are the requirements of the appendix in
23 the final rule.

24 JUDGE DUGGAN: The requirements

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1 of what?

2 MR. JAEGER: The final rule. We
3 discussed the final rule.

4 JUDGE DUGGAN: Okay. We've got
5 to go. Anything further then?

6 MR. SHUMATE: No, your Honor.
7 I'll just put on the record that the Union
8 Pacific concurs with the proposed agreed
9 order and --

10 JUDGE DUGGAN: As represented in
11 Exhibit 0; is that correct?

12 MR. SHUMATE: That's correct.

13 MR. JAEGER: County says yes.

14 JUDGE DUGGAN: Very good. Thank
15 you very much.

16 MR. SHUMATE: Thank you, your
17 Honor.

18 MR. JAEGER: Thank you, your
19 Honor.

20 PROCEEDINGS CONCLUDED AT 10:45 A.M.

21

22

23

24

1 STATE OF ILLINOIS)
2) SS.
3 COUNTY OF DU PAGE)

4 I, Sharon D. Roche, Certified Shorthand
5 Reporter No. 84-1091, Registered Merit Reporter, a
6 Notary Public in and for the County of DuPage,
7 State of Illinois, do hereby certify that I
8 reported in shorthand the proceedings had in the
9 above-entitled matter and that the foregoing is a
10 true, correct and complete transcript of my
11 shorthand notes so taken as aforesaid.

12 IN TESTIMONY WHEREOF I have hereunto
13 set my hand and affixed my notarial seal this
14 26th day of June, 2014.

15
16
17 Sharon D. Roche
18 Notary Public



19 My Commission Expires
20 February 3, 2015.
21
22
23
24